

1 Gary A. Bresee (131504)
2 Kevin K. Ho (233408)
2 BARGER & WOLEN LLP
3 650 California Street, 9th Floor
3 San Francisco, California 94108
4 Telephone: (415) 434-2800
4 Facsimile: (415) 434-2533
5 Gbressee@barwol.com
5 Kho@barwol.com

FILED

APR 20 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

6 Attorneys for Defendants
7 THE TRAVELERS INSURANCE COMPANIES; THE
7 TRAVELERS INDEMNITY COMPANY OF
8 ILLINOIS; THE TRAVELERS LLOYDS COMPANY

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 EUGENE J. BURGER, an individual;) CASE NO.: C-02-2309 VRW
13 EUGENE BURGER MANAGEMENT)
13 CORPORATION, a California corporation,)
14 EUGENE BURGER MANAGEMENT) STIPULATION AND ORDER FOR
14 CORPORATION, a Nevada corporation,) DISMISSAL OF ALL CLAIMS AGAINST
15 EUGENE BURGER MANAGEMENT) THE TRAVELERS INSURANCE
15 CORPORATION, a Texas corporation, in their) COMPANIES WITH PREJUDICE
16 corporate capacities; and other named plaintiffs) PURSUANT TO F.R.C.P. 41 (a)(2)
16 as listed in appendix A to Plaintiffs' Fifth)
17 Amended Complaint,)
17 Plaintiffs,)
18 vs.) Dept: Department 6, 17th Floor
18) Honorable Vaughn R. Walker
19 MICHAEL B. KUIMELIS, individually and)
20 dba MBK INSURANCE SERVICES; MBK) COPIES MAILED TO SUBMITTING COUNSEL
20 INSURANCE SERVICES; KATIE LUCEY)
21 (also known as (Katie O'Leary) ACORDIA)
21 LLOYD INSURANCE SERVICES; THE)
22 TRAVELERS INSURANCE COMPANIES;)
22 THE TRAVELERS INDEMNITY COMPANY)
23 OF ILLINOIS; THE TRAVELERS LLOYDS)
23 COMPANY; FIREMANS FUND)
23 INSURANCE COMPANY,)
24 Defendants.)
25)
26 AND RELATED CROSS-COMPLAINT)
27)
28)

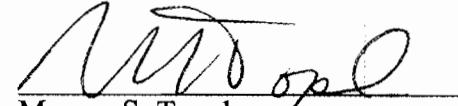
1 Plaintiffs Eugene J. Burger; Eugene Burger Management Corporation, a California
2 corporation; a Nevada corporation; a Texas corporation, and Cross Defendant Friández Group, Inc.
3 and entities which Eugene Burger Management Corporation, California, Eugene Burger
4 Management Corporation, Nevada, Eugene Burger Management Corporation, Texas, serve(s) as
5 General Partner and/or Management Agent (hereinafter collectively "Plaintiffs") and Defendants
6 The Travelers Insurance Companies, The Travelers Indemnity Company of Illinois, and The
7 Travelers Lloyds Company (collectively "Travelers"), by and through their respective counsel of
8 record, do hereby stipulate that all claims, including without limitation the causes of action for
9 Fraud and Unfair Trade Practices/Competition, filed by Plaintiffs against Travelers be dismissed in
10 their entirety, with prejudice, pursuant to F.R.C.P. 41(a)(2), each party to bear its own costs of suit
11 and attorney's fees. The parties respectfully request that the Court approve and give effect to this
12 dismissal.

13 IT IS SO STIPULATED.
14

15
16 Dated: February 8, 2006

TOPEL & GOODMAN

17 By



18 Marcus S. Topel
Daniel F. Cook
19 Attorney for Plaintiffs
20 EUGENE J. BURGER, an individual;
21 EUGENE BURGER MANAGEMENT
22 CORPORATION, a California
corporation, EUGENE BURGER
MANAGEMENT CORPORATION, a
23 Nevada corporation, EUGENE BURGER
MANAGEMENT CORPORATION, a
24 Texas corporation, in their corporate
capacities; and other named plaintiffs as
25 listed in appendix A to Plaintiffs' Fifth
Amended Complaint

1 *March*
2 Dated: February 6, 2006

BECK LAW OFFICES

3 By

4 Daniel B. Beck
5 Attorney for Plaintiffs
6 EUGENE BURGER MANAGEMENT
7 CORPORATION, a California
8 corporation, EUGENE BURGER
9 MANAGEMENT CORPORATION, a
10 Nevada corporation, EUGENE BURGER
11 MANAGEMENT CORPORATION, a
12 Texas corporation, in their corporate
13 capacities; and other named plaintiffs as
14 listed in appendix A to Plaintiffs' Fifth
15 Amended Complaint

16 Dated: February 16, 2006

17 BARGER & WOLEN LLP

18 By

19 Gary A. Bresee
20 Kevin K. Ho
21 Attorney for Defendants
22 THE TRAVELERS INSURANCE
23 COMPANIES; THE TRAVELERS INDEMNITY
24 COMPANY OF ILLINOIS; THE TRAVELERS
25 LLOYDS COMPANY

26 **ORDER**

27 GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED that all claims against
28 Defendants THE TRAVELERS INSURANCE COMPANIES, THE TRAVELERS INDEMNITY
1 COMPANY OF ILLINOIS, and THE TRAVELERS LLOYDS COMPANY are dismissed with
2 prejudice, in their entirety, pursuant to F.R.C.P. 41(a)(2).

3 IT IS SO ORDERED.

4 Dated: _____

5 8 APR 2006

6 
7 VAUGHN R. WALKER
8 United States District Court